

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL COOKE,

Defendant.

No. CR 93-00075 JSW

**ORDER DENYING WITHOUT  
PREJUDICE MOTION FOR  
TRANSCRIPT OF PROCEEDING**

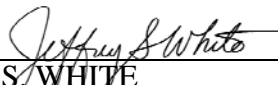
On May 15, 2007, Michael Cooke filed a Notice of Motion for Transcript of Proceeding and Ex Parte Request for the Clerks to Produce the Following Missing Records Pursuant to 28 U.S.C. Rule 26(1)(a)(b). In his motion, Mr. Cooke asks the Court to Order the production of certain records and transcripts.

It is not apparent to this Court that an appeal or any other post-conviction matters pertaining to this case are pending. Nor has Mr. Cooke adequately explained how these materials are necessary for "an effective defense or appeal." *See Britt v. North Carolina*, 404 U.S. 226, 227 (1971) ("In prior cases involving an indigent defendant's claim of right to a free transcript, this Court has identified two factors that are relevant to the determination of need: (1) the value of the transcript to the defendant in connection with the appeal or trial for which it is sought, and (2) the availability of alternate devices that would fulfill the same functions as a transcript.").

For these reasons, Mr. Cook's motion is DENIED WITHOUT PREJUDICE.

**IT IS SO ORDERED.**

Dated: May 24, 2007

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Case Number: CR93-00075 FMS

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

COOKE,

Defendant.

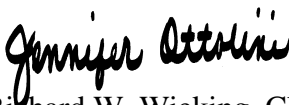
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 24, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Cooke  
89101-011  
USP-Lompoc  
United States Penitentiary-Lompoc  
3901 Klein Blvd  
Lompoc, CA 93436

Robin J. Seeley  
U.S. Attorney's Office  
1301 Clay Street  
Suite 340S  
Oakland, CA 94612

Dated: May 24, 2007

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk